IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

Crl.Rev.Pet.No. 386 of 2007(E)

CRA.359/2003 of ADDL.SESSIONS COURT (ADHOC), ALAPPUZHA
CC.676/1999 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA

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REVN. PETITIONER: APPELLANT/ACCUSED

SAJI, S/O.RAMAKRISHNAN, AGED,
KAITHACHIRA HOUSE, WARD NO.4,
PALLIPPURAM PANCHAYATH, PALLIPURAM PO.,
CHERTHALA, ALAPPUZHA.

BY ADV. SRI.V.P.MOHAMMED NIYAZ

RESPONDENTS: RESPONDENTS/STATE & COMPLAINANT

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. MOHANAN, S/O.MADHAVAN,
KAITHACHIRA HOUSE, WARD NO.4,
PALLIPPURAM PANCHAYATH, PALLIPPURAM P.O.,
CHERTHALA, ALAPPUZHA.

BY ADV. SRI.K.RONALD JOSE
PUBLIC PROSECUTOR (SRI.C.M. KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No. 386 of 2007

Dated this the 25th day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C. 676 of 1999 on the file of the Judicial First Class Magistrate Court–I, Cherthala. Second respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of one month under section 138 of the Negotiable Instruments Act and to pay an amount of of Rs.800/- to to the complainant as compensation under section 357(3) Cr.P.C. In appeal filed by him, the conviction and sentencve were confirmed by the Addl. Sessions Court, Alappuzha. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.1164 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the second respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A. No.1164 of 2007 and Revision Petition are allowed.

K. HEMA, JUDGE.

Krs.